



PATENT
830010-2002.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Pasternak et al.
Serial No. : 09/975,812
For : TOPICAL ANESTHETIC/OPIOID
FORMULATIONS AND USES THEREOF
Filed : October 11, 2001
Examiner : M. Bahar
Art Unit : 1617

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on November 27, 2002.

Amy Leahy, Ph.D., Reg. No. 47,739
Name of Applicant, Assignee or Registered Representative

Amy Leahy
Signature
November 27, 2002
Date of Signature

DECLARATION OF YURI KOLESNIKOV UNDER 37 C.F.R. §1.131

Commissioner for Patents
Washington, D.C. 20231
Box AF

Dear Sir:

Yuri Kolesnikov hereby declares as follows:

I am a citizen of the United States of America and a named inventor in the above-identified application.

I was an employee of Memorial Sloan-Kettering Cancer Center at the time of the conception and constructive reduction to practice of the subject matter of said application.

During my employment at Memorial Sloan Kettering Cancer Center, I conceived of the subject matter of U.S. Application Serial No. 09/975,812 ("the '812 application") in the United States prior to the date of October 25, 1999, the filing date of U.S. Patent No. 6,383,511, which

issued to Cassel on May 7, 2002. The conception of the subject matter of the '812 application is evidenced by Exhibit A, attached hereto, which is a copy of the invention disclosure material, which I prepared in the U.S. and which was received by Memorial Sloan Kettering Cancer Center in the U.S. prior to October 25, 1999.

I continued to develop additional embodiments of my invention in the U.S. and promptly and diligently forwarded written descriptions of such additional embodiments to Memorial Sloan Kettering Cancer Center's attorney in the U.S. Various communications regarding this application were sent and received by me in the U.S. U.S. Provisional Application No.60/200,437 ("the '437 application") was filed on April 28, 2000. U.S. Application Serial No. 09/844,111 ("the '111 application") was filed on April 27, 2001, claiming priority to the '437 application. The '812 application claims priority to the '111 application.

The subject matter of said application was conceived by me in the U.S. prior to October 25, 1999 and was diligently pursued by me until a constructive reduction to practice was achieved on at least April 27, 2001 by the filing of said '111 application (if not earlier, by the filing of the '437 application). This application is entitled to antedate U.S. Patent No. 6,383,511 within the purview of 37 C.F.R. §1.131.

Date

11/26/02

Yuri Kolesnikov, Ph.D.

